

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
TYLER DIVISION

JAMON HESTAND, TDCJ #01343536

PLAINTIFF

V.

TEXAS DEPARTMENT OF CRIMINAL JUSTICE et al. §

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CIVIL ACTION NO. 6:20-CV-00071

AFFIDAVIT OF DUE DILIGENCE

I, Syed Moazzam Ali, on the following dates, was the over the age of 18 years, and was not a party to this action.

On June 7, 2021, at approximately 5:30PM, I received Summons and a copy of Plaintiffs Petition to serve all 86 defendants listed on the Complaint.

After multiple attempts to Huntsville, Texas, and to the Michael Unit in Tennessee Colony, I was unable to serve the remaining 84 defendants. I have attempted to serve at administrative offices and at the prison unit.

On Friday, June 11, 2021, at approximately 2:30PM, my attempt to serve the remaining defendants at the following address: 2664 FM2054, Tennessee Colony, TX 75886 was unsuccessful. When I arrived to perform service, the person who identified stopped me at the gate and took my identification and reason to come. I told them that I am a process server and came here to serve Summons to Michael Unit employees. They called the Warden, whose name I recall was Smith, she said I can't enter and directed me away from the premises to inquire about the individuals in my summonses, refused to accept the summons, and advised that she would not allow me on her premises to perform my official duty to serve this summons upon any member of the staff.

After researching and calling around, I attempted another trip to Huntsville on June 15, 2021, at 8:30AM to serve the Summons to the head office, where yet again I was given the run-around and not provided information to assist me with service or to allow me further entrance onto the premises.

June 16, 2021 about 11:30 am, I called Legal department of TDCJ and got transferred my call to Mr. James Booker, He was a manager of HR department and he asked me to send my identity and summons to him & that he will let me know who the best person is to handle this service of Summons. After that I kept calling his assistant and Mr. Booker, I was told that my e-mail has been forwarded to the legal department. I kept calling the legal department and spoke to Ms. Malinda Hall, a General counsel for TDJC. She said I will not respond to your service of process but will tell me that I cannot serve any summons at the Michael Unit and Warden Smith already refused to my entry at Michael Unit.

On June 30, 2021 around approximately 11:30AM, I called Ms. Kristen Worman (General Counsel) her assistant transferred my call to Ms. Malinda Hall again who then spoke to me in a loud volume. She angrily stated that the Warden has refused my service and will continue to do so. She also told me to stop calling her office and hung up the phone.

I continue to perform due diligence at the request of the Attorney of record for Plaintiff. However, to-date, my efforts have been rejected by supervisors and staff where most of these Defendants are to be found.

I declare under penalty that the forgoing is true and correct

Date: 07/02/2021

AFFIANT'S SIGNATURE

A handwritten signature in black ink, appearing to read 'Syed Moazzam Ali', is written over a horizontal line.

Syed Moazzam Ali PSC ID #19837

Exp. Date: 05/31/2023